

In the
Supreme Court of the United States

GREG ABBOTT, GOVERNOR OF TEXAS, ET AL.,
Appellants,

v.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.,
Appellees.

On Appeal from the United States District Court
for the Western District of Texas

**MOTION TO DISMISS OR AFFIRM OF APPELLEES
ALEXANDER GREEN AND JASMINE CROCKETT,
MEMBERS OF THE UNITED STATES CONGRESS**

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QUESTION PRESENTED

The following question, which asks this Court to second-guess the factual findings of a three-judge district court that conducted a nine-day evidentiary hearing, present a substantial federal question warranting plenary review; and alternatively asks whether the court should forego the hearing of this matter until such time as there has been a decision after a trial on the merits or final disposition on all issues that have been raised:

1. Whether the district court panel committed clear error in finding that the State's 2025 congressional redistricting plan was predominantly motivated by race—based on 1) direct evidence including a Department of Justice letter framed in exclusively racial terms, gubernatorial statements referencing racial rather than partisan objectives, and legislative sponsor statements concerning the creation of majority-minority districts, 2) circumstantial evidence that three districts were drawn to barely exceed 50% racial minority citizen voting-age population and that the enacted map achieved virtually all of the DOJ's racial objectives—where those findings rest on credibility determinations made after multi-day witness testimony, the presumption of legislative good faith was overcome by substantial evidence, and Appellants' proposed adverse inference for failure to produce an alternative map finds no support in *Alexander v. South Carolina State Conference of the NAACP*, 602 U.S. 1 (2024); and whether the district court abused its discretion in ordering the 2021 congressional map as an interim remedy pending final resolution on the merits.

PARTIES TO THE PROCEEDINGS

Appellants

Appellants are Greg Abbott, in his official capacity as Governor of the State of Texas; Dave Nelson, in his official capacity as Deputy Secretary of the State of Texas; Jane Nelson, in her official capacity as Texas Secretary of State; and the State of Texas (collectively, the “State Defendants”). Appellants were the defendants before the three-judge panel of the United States District Court for the Western District of Texas.

Appellees

Appellees include six groups of plaintiffs.

First, the League of United Latin American Citizens (LULAC) Plaintiffs, which include: Jo Ann Acevedo, Diana Martinez Alexander, American GI Forum of Texas, Fiel Houston, Inc., La Union Del Pueblo Entero, League of United Latin American Citizens, David Lopez, Mexican American Bar Association of Texas, Mi Familia Vota, Jose Olivares, Proyecto Azteca, Reform Immigration for Texas Alliance, Paulita Sanchez, Southwest Voter Registration Education Project, Texas Association of Latino Administrators and Superintendents, Texas Hispanics Organized for Political Education, William C. Velasquez Institute, Workers Defense Project, and Joey Cardenas.

Second, the Brooks Plaintiffs, who include: Roy Charles Brooks, Felipe Gutierrez, Phyllis Goines, Eva Bonilla, Clara Faulkner, Deborah Spell, Sandra M. Puente, Jose R. Reyes, Shirley Anna Fleming, Louie Minor, Jr., Norma Cavazos, Lydia Alcahan, Martin Saenz, Dennis Williams, Justin Boyd, Charles Cave,

Betty Keller, Lorraine Montemayor, Emmanuel Guerrero, and Joetta Stevenson.

Third, the Mexican American Legislative Caucus.

Fourth, the Gonzales Plaintiffs, who include: Cecilia Gonzales, Agustin Loredó, Jana Lynne Sanchez, Jerry Shafer, Debbie Lynn Solis, Charles Johnson, Jr., Vincent Sanders, Rogelio Nuñez, Marci Madla, Mercedes Salinas, Heidi Cruz, Sylvia Bruni, and Gwendolyn Collins.

Fifth, the Texas State Conference of the National Association for the Advancement of Colored People (Texas NAACP).

Sixth, the Plaintiffs-Intervenors, on whose behalf this Motion is filed: U.S. Representatives Alexander Green and Jasmine Crockett. Representative Green represents the 9th Congressional District and Representative Crockett represents the 30th Congressional District of Texas.

Appellees are the plaintiffs and plaintiffs-intervenors before the three-judge panel.

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MOTION TO DISMISS OR AFFIRM

Member of Congress Alexander Green (Tex. 9th Dist.) and Jasmine Crockett (Tex. 30th Dist.), who were Plaintiffs-Intervenors in the proceedings below, respectfully submit this Motion to Dismiss or Affirm.



OPINIONS BELOW

The memorandum opinion and order of the three-judge district court granting a preliminary injunction is reported at *League of United Latin American Citizens, et al. v. Greg Abbott, et al.*, No. EP-21-CV-00259-DCG-JES-JVB, 2025 WL 3215715 (W.D. Tex. Nov. 18, 2025), and is reproduced at J.S. App. 1a–176a.

The order of the district court denying the State's motion to stay the injunction pending appeal is reproduced at J.S. App. 324a.

The dissent from the memorandum opinion and order is reproduced at J.S. App. 177a–316a.



JURISDICTION

The three-judge district court, empaneled under 28 U.S.C. § 2284(a), entered its memorandum opinion and order granting a preliminary injunction on November 18, 2025. J.S. App. 176a. The State filed a notice

of appeal that same day. J.S. App. 317a. This Court has jurisdiction under 28 U.S.C. § 1253, which provides for direct appeal to this Court from an order granting or denying an interlocutory or permanent injunction in any civil action required to be heard by a three-judge district court.

On November 21, 2025, the State filed an Emergency Application for Stay pending appeal with this Court. On December 4, 2025, this Court granted the stay. *Abbott v. League of United Latin American Citizens*, No. 25A608, 2025 WL 3484863, at *1 (U.S. Dec. 4, 2025).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, amend. XIV, § 1

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides, in relevant part:

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”

28 U.S.C. § 1253

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

28 U.S.C. § 2284(a)

A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

**INTRODUCTION**

After a nine-day Preliminary Injunction hearing with nearly two dozen witnesses and thousands of exhibits, a three-judge district court issued a 160-page majority opinion detailing substantial evidence in support of its finding that the State of Texas used race as the predominant factor in redrawing five congressional districts. The court observed the State’s map-maker testify over two days, watched the bill’s lead sponsor give shifting and contradictory explanations under oath, and evaluated the testimony of legislators whose involvement in the actual redistricting process ranged from central to virtually nonexistent. The district court then did what trial courts are uniquely positioned to do: it assessed the credibility of these witnesses, weighed the competing evidence, and rendered detailed factual findings grounded in the extensive evidentiary record.

This Court’s task on appeal is narrow: to determine whether those credibility-dependent factual findings are clearly erroneous. Under the governing standard, they are not. This Court has long held that “[w]here there are two permissible views of the evidence, the

factfinder's choice between them cannot be clearly erroneous." *Anderson v. City of Bessemer City*, 470 U.S. 564, 574 (1985). The district court's findings rest on overwhelming direct evidence of racial motivation—including a Department of Justice letter framed solely in racial terms, gubernatorial statements disavowing partisan objectives while demanding racial redistricting, actions by the Governor in close proximity to receiving the racial directives from the Trump Administration and legislative sponsors' express statements about creating majority-minority districts—including one by the Speaker of the House that made it clear that the Trump Administration request for action based on the race of voters was acceded to. These statements are corroborated by a volume of circumstantial evidence showing that the enacted map achieved virtually all of the DOJ's racial demands and that several of the State's attempted explanations for their changes to district boundaries as being politically motivated were in fact pretextual where those explanations only negatively impacted Black and Hispanic voters and not white voters under the same circumstances. The State's appeal asks this Court to do precisely what clear-error review forbids: substitute its own judgment on credibility and evidentiary weight for that of the trial court that heard the witnesses and managed the record.

The Court should summarily affirm the judgment below.



STATEMENT OF THE CASE

Texas' mid-decade redistricting was catalyzed by race. On July 7, 2025, DOJ Civil Rights Division head, Harmeet Dhillon, sent a letter to Texas demanding that the State dismantle four “coalition districts” (Congressional Districts 9, 18, 29, and 33). The moniker “coalition districts” always and only relates to a coalition of two or more races in a single district. The letter did not identify any partisan objective. Therefore, the DOJ framed its demands exclusively in racial terms, asserting that the existing districts improperly combined racial minority groups rather than creating majority single-race districts. In addition, DOJ letter continually references race through words like coalition districts, race-based, racial lines, racial gerrymandering, and it identifies CD29 as majority Hispanic. Three of the districts ultimately changed, CD9, CD18, and CD 33 were referred to as unconstitutional coalition districts. And in describing the changes it was seeking, it indicated that race driven redistricting must be rectified immediately and suggests one reason is the failure for them to meet the Gingles requirements.

Two days later, Governor Abbott added redistricting to the ongoing special legislative session. The Governor “plainly and expressly disavowed any partisan objective” and “repeatedly stated that his goal was to eliminate coalition districts and create new majority-Hispanic districts.” App. 3a. At no point during the legislative process did the Governor articulate a partisan rationale for the redistricting. The evidence showed that his public statements were uniformly framed in

racial terms and were, without exception, consistent and compliant with the DOJ's racial directives.

The map was drawn not by the Texas Legislature but by Adam Kincaid, executive director of the National Republican Redistricting Trust. J.S. 4. Kincaid drew the map using software in which racial demographic data came preloaded. He testified that he never looked at the racial data, a claim the district court found not credible given the pretextual indicators of the map's outcomes. Three congressional districts ended up at barely 50% minority citizen voting-age population (CVAP). In CD 9 at 50.3% Hispanic, CD 18 at 50.5% Black, and another at 50.8%. The District Court found these results "extremely unlikely" absent deliberate racial targeting similar to what this Court found in *Cooper v. Harris*. 581 U.S. 285 (2017). The enacted map achieved "all but one" of the DOJ's racial objectives, dismantling nearly every racial coalition district the DOJ had identified plus five additional districts. J.S. 26. CD33 remained a coalition district in numbers, though it is a very different district with increased white voter strength. Black, Brown and White candidates squared off in the runoff in the plurality Latino district and the Black and White candidates now find themselves in a runoff. The Speaker of the Texas House issued a press release celebrating the map's compliance with the DOJ's racial demands.

The legislative record was riddled with credibility problems. Chairman King, the bill's lead legislative sponsor, gave shifting explanations so inconsistent that the district court expressly questioned his credibility, finding his testimony unreliable on key points. App. 86a–88a. Representative Hinojosa, whom the State presented as its star witness, admitted under cross-

examination that he had virtually no involvement in the map's design beyond delivering a single floor speech. App. 88a. The district court observed these witnesses over multiple days of testimony and concluded that the State's explanations for its redistricting choices were pretextual.

The sequence of events is itself powerful evidence of racial motivation. A DOJ letter framed entirely in racial terms demanded that Texas dismantle coalition districts. Within two days, the Governor ordered redistricting and stated his purpose in racial terms consistent with the DOJ letter. A partisan mapmaker drew a map with preloaded racial data that achieved virtually all of the DOJ's solely racial objectives. Importantly, Kincaid admitted he was familiar with Texas and its districts before drafting this map because he was involved in drawing the 2021 Congressional Map. Rough Draft - Day 7 - 08October25 AM Session-Adam Kincaid.pdf, p. 90 lines 1-10. Kincaid said that map was called the unified map and it included the districts referenced in the DOJ letter. Rough Draft - Day 7 - 08October25 AM Session-Adam Kincaid.pdf, p. 91 lines 16-25. Importantly, *Kincaid was aware while drawing the map that Congressional District 29 which he changed to a coalition district, was a majority Hispanic district where the Latino voters elected their candidate of choice. Kincaid admitted that he changed CD18 so that it would be over 50% African American.* Rough Draft - Day 7 – 08 October25 AM Session-Adam Kincaid.pdf, p. 95 line 16 to page 96 line 5. After acknowledging there were numerous opportunity and coalition districts electing the minority candidate of choice, Kincaid was asked: “So you considered all of the districts to be the same, that you

had the absolute right to go in and change any district that you desired; is that right? A. I—yes. My—my task with this was to create a map that gave Republicans five pick-up opportunities in 2026.”

The map landed three districts at barely above a 50% minority CVAP, a statistical near-impossibility absent deliberate racial targeting. Following the passage of the new map, the Speaker celebrated the map’s compliance with the DOJ’s racial demands. This sequence, explicit racial demand, responsive racially targeted governmental action, and execution of the demanded racial result, constitutes direct and powerful evidence that race motivated the redistricting from start to finish. The district court was not merely permitted to draw the inference of racial predominance; it would have been unreasonable, if not reversible error, not to.

The State’s own Jurisdictional Statement confirms the essential facts underlying the district court’s findings. In it the State tried to cure the obvious racial motivations in drawing and passing the new maps by making *ex-post facto* statements focusing on the partisan results (e.g., the map “secure[d] five additional Republican seats,” J.S. 1; was drawn by a partisan operative whose “top criteria” was protecting Republican incumbents, J.S. 4; fulfilled “almost everything that DOJ and the Governor desired,” J.S. 26; and was signed by a Governor. However, these hand waving assertions, standing alone, amount to nothing more than window dressing demonstrating that the district court had more than sufficient basis for its findings that the State engaged in a racially motivated redistricting process.



REASONS TO AFFIRM

I. The District Court’s Factual Findings Are Not Clearly Erroneous

The clear-error standard demands deference to the factfinder, and it is dispositive here. Under Federal Rule of Civil Procedure 52(a)(6), findings of fact “must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court’s opportunity to judge the witnesses’ credibility.” This standard reflects a foundational principle of appellate review: trial courts that hear live testimony and observe the demeanor of witnesses occupy an institutional position that appellate courts reviewing a paper record cannot replicate. Credibility determinations accordingly receive “heightened deference” because “only the trial judge can be aware of the variations in demeanor and tone of voice that bear so heavily on the listener’s understanding of and belief in what is said.” *Anderson*, 470 U.S. at 575.

In racial gerrymandering cases specifically, this Court gives “singular deference to a trial court’s judgments about the credibility of witnesses.” *Cooper v. Harris*, 581 U.S. 285, 309 (2017). The reason is straightforward: the question whether race predominated in the drawing of district lines is a “fact-intensive inquiry” that turns on the legislature’s actual motivations, and those motivations are typically established through the testing of the credibility of the testimony of legislators, mapmakers, and other participants in the redistricting process. *Id.* at 311. Appellate courts reviewing only the written record lack the trial judge’s ability to assess

the credibility of the witnesses who testified during the trial, and “the various cues that ‘bear so heavily on the listener’s understanding of and belief in what is said’ are lost on an appellate court later sifting through a paper record.” *Id.* at 309 (quoting *Anderson*, 470 U.S. at 575). A finding is “clearly erroneous” only when, “although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Anderson*, 470 U.S. at 573 (internal quotation marks omitted). That demanding threshold is cannot be met here.

The district court’s findings of racial predominance fall well within the range of permissible views of the evidence, indeed, they are compelled by it. Both the direct and strong circumstantial evidence of the racial motivation demonstrated by the State is extensive and unrebutted. This evidence includes: a DOJ letter framed entirely in racial terms demanding that Texas dismantle racial coalition districts and create single-race majority districts; gubernatorial statements expressly disavowing any partisan objective while demanding racial redistricting; legislative sponsors’ statements about creating majority-Hispanic and majority-Black districts; a Speaker’s press release celebrating compliance with the DOJ’s racial demands; and the wholesale dismantling of performing black majority and Hispanic majority districts while at the same time not harming any of the white majority Democratic districts. Such evidence constitutes the strongest possible proof of racial predominance.

As this Court explained in *Cooper*, “[d]irect evidence often comes in the form of a relevant state actor’s express acknowledgment that race played a role in the

drawing of district lines.” 581 U.S. at 300. The Court affirmed a finding of racial predominance based on comparable evidence, holding that “uncontested evidence in the record shows that the State’s mapmakers . . . purposefully established a racial target: African-Americans should make up no less than a majority of the voting-age population.” *Id.* at 300–01. This Court has noted that when the Legislature starts with a racial motive as we see in the DOJ letter, and this racial motive is later realized, this is evidence that race was a consideration in the drawing of such districts: And testimony of individual state officials confirmed that the decision to create the districts now challenged as majority-minority districts was made at the outset of the process and never seriously questioned. *Bush v. Vera*, 517 U.S. 952, 961, (1996). The decision to eliminate the coalition districts was never seriously questioned and in fact it happened.

The direct evidence here is, if anything, more powerful than in *Cooper* because it emanates not merely from legislative staff but from the Governor of Texas himself complying with the demands of the explicitly racial directives from the federal Department of Justice. In *Cooper*, the racial target was communicated internally among legislative leaders and their consultant. Here, the racial directive came from the DOJ of the United States in a public letter, was embraced by the Governor of Texas in public statements and was celebrated by the Speaker of the Texas House in a public press release. The racial motivation was not hidden or inferred; it was avowed. The district court’s finding of racial predominance based on this evidence is not a close call—it is the only reasonable interpretation of the record. In *Vera*, the court discussed the

subjugation of traditional redistricting principles to such goals as being evidence of the importance of race in this process. These findings—that the State substantially neglected traditional districting criteria such as compactness, that it was committed from the outset to creating majority-minority districts, and that it manipulated district lines to exploit unprecedentedly detailed racial data—together weigh in favor of the application of strict scrutiny. *Bush*, 517 U.S. at 962.

The circumstantial evidence corroborates the direct evidence at every turn. Three congressional districts ended up at barely 50% minority CVAP, again a result the district court found “extremely unlikely” absent deliberate racial targeting and no white majority Democratic district was dismantled in the process. The enacted map dismantled every coalition district identified by the DOJ, plus five additional districts, achieving “all but one” of the DOJ’s racial objectives. J.S. 26. This pattern constitutes overwhelming evidence that race, not partisanship, drove the redistricting process.

The district court’s credibility findings are entitled to even greater deference. The court observed Adam Kincaid testify over two days and found his claim that he never consulted the preloaded racial data not credible in light of the map’s outcomes. The court watched Chairman King give shifting and contradictory explanations and expressly questioned his credibility. App. 86a–88a. And the court noted that the State’s star witness, Representative Hinojosa, admitted virtually no involvement in the map’s design beyond a single floor speech. App. 88a. These credibility determinations are precisely the kind of findings that this Court has repeatedly held “can virtually never be clear error.”

Anderson, 470 U.S. at 575. Where a trial judge’s finding “is based on his decision to credit the testimony of one of two or more witnesses, each of whom has told a coherent and facially plausible story that is not contradicted by extrinsic evidence, that finding, if not internally inconsistent, can virtually never be clear error.” *Id.* Such is the evidentiary record here.

The State’s Jurisdictional Statement confirms the district court’s findings rather than undermining them. The State concedes that the enacted map “secure[d] five additional Republican seats,” J.S. 1; was drawn by a mapmaker who was fully aware of the racial nature of the districts he was changing according to his own testimony, fulfilled “almost everything that DOJ and the Governor desired,” J.S. 26; and was signed by a Governor. These are not the hallmarks of a map drawn through the normal give-and-take of legislative politics. They are the hallmarks of a map drawn to achieve specific racial outcomes demanded by the federal government and embraced by the Governor and legislative leadership, with partisan advantage as a welcome byproduct. The district court was entitled to draw precisely that inference, and its decision to do so is not clearly erroneous. In this case, because of the irrefutable dominance of race in the drawing of these maps, the State is not entitled to a presumption of good-faith in its adoption of the plan. “If a plaintiff can demonstrate that race drove the mapping of district lines, then the burden shifts to the State to prove that the map can overcome the daunting requirements of strict scrutiny.” *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 11, (2024).

To hold on these facts that the State is entitled to a presumption of Good Faith on these facts is to enable

discrimination and discriminators, causing broader, greater and more serious divisions throughout. We express this view with deep respect for the Supreme Court and the separation of powers. Our concern is not with outcomes in any particular case, but with a presumption that, if unmoored from evidence, can erode the safeguards that secure equal citizenship. The Constitution entrusts courts with a gatekeeping function. Exercising that function faithfully protects rights, prevents discrimination, and strengthens the bonds that hold our nation together.

The clear-error standard is built on the premise that “there are often ‘two permissible,’ because two ‘plausible,’ ‘views of the evidence.’” *Cooper*, 581 U.S. at 309. Even if this Court might interpret some of the evidence differently than the district court did, that possibility does not make the district court’s interpretation clearly erroneous. It simply confirms that two permissible views exist—which is precisely the circumstance in which deference is most warranted. The State does not and cannot argue that the district court’s view of the evidence is implausible. At most, it contends that a different view is also plausible. Under *Anderson* and *Cooper*, that is insufficient to establish clear error.

The institutional limitations of appellate review reinforce the need for deference. This Court will review the district court’s findings based solely on the written record, the transcripts, exhibits, and briefing that constituted the evidentiary record below. But the trial judge who authored the 160-page opinion observed the witnesses in person over nine days. He watched Adam Kincaid testify for two days and assessed his demeanor as he claimed to have ignored the racial data preloaded

in his software. He observed Chairman King’s shifting explanations in real time. He evaluated Representative Hinojosa’s admission that he had virtually no involvement in the map’s design. As this Court has recognized, “the various cues that ‘bear so heavily on the listener’s understanding of and belief in what is said’ are lost on an appellate court later sifting through a paper record.” *Cooper*, 581 U.S. at 309 (quoting *Anderson*, 470 U.S. at 575). A cold paper record is an inadequate basis for overturning the trial court’s credibility findings.

This Court’s own precedents in racial gerrymandering cases confirm the dispositive role of clear-error review. In *Miller v. Johnson*, 515 U.S. 900 (1995), the Court upheld the district court’s factual finding that race was the predominant factor motivating the drawing of Georgia’s Eleventh Congressional District, concluding that “[t]he District Court applied the correct analysis, and its finding that race was the predominant factor motivating the drawing of the Eleventh District was not clearly erroneous.” The Court did not independently reweigh the evidence; it asked only whether the district court’s conclusion was permissible. The same approach governs here.

Because the district court’s factual findings rest on extensive direct evidence, voluminous corroborating and repeated circumstantial evidence, and carefully assessed credibility determinations, they satisfy the clear-error standard many times over. This Court should decline the State’s invitation to reweigh testimony it never heard and reassess credibility it never observed.

II. The District Court Correctly Applied This Court's Decision in *Alexander*

The State's principal legal argument is that the district court failed to apply the presumption of legislative good faith recognized in *Alexander*. 602 U.S. 1 (2024). That argument misreads *Alexander* and mischaracterizes the record. *Alexander* held that legislatures receive "a presumption of good faith" when courts are "confronted with evidence that could plausibly support multiple conclusions." *Id.* at 17. The Court found the presumption un rebutted in *Alexander* because the challengers produced "no" direct evidence of racial intent and relied on weak circumstantial evidence that failed to disentangle race from partisanship. *Id.* The decision thus confirms, by its own reasoning, that the presumption is rebuttable and can be overcome when sufficient evidence exists. The question is whether sufficient evidence exists here. It does, and to an overwhelming degree.

This case presents precisely the kind of direct evidence that was absent in *Alexander*. In *Alexander*, the challengers offered no direct evidence that race motivated the Legislature's line-drawing decisions. They relied instead on indirect inferences from demographic data and the correlation between race and partisanship. The Court held that such evidence, standing alone, as presented in that case was insufficient to overcome the presumption of good faith. Here, by contrast, the evidence of racial motivation is direct and extensive: the DOJ's letter demanded redistricting in explicitly racial terms; the Governor publicly and repeatedly stated that his goal was to eliminate coalition districts and create majority-minority districts; and the bill's legislative sponsors made equivalent

statements about achieving racial objectives. This is the very type of evidence, “a relevant state actor’s express acknowledgment that race played a role in the drawing of district lines”, that *Alexander* itself identified as sufficient to establish racial predominance. 602 U.S. at 8. The States Jurisdictional Statement asks this court to turn its back to that evidence.

The parallel to *Miller*, (515 U.S. 900), is direct and dispositive. In *Miller*, this Court affirmed the district court’s finding that race was the predominant factor in drawing Georgia’s Eleventh Congressional District. The decisive evidence was that the Department of Justice “spent months demanding purely race-based revisions to Georgia’s redistricting plans, and Georgia spent months attempting to comply.” *Id.* at 907. Georgia conceded that certain precincts were included in the district “for the objective of increasing the black population.” *Id.* at 907–08. The Court held that the district court properly found racial predominance where the Legislature had “subordinated traditional race-neutral districting principles . . . to racial considerations.” *Id.* at 916. The facts here replicate the *Miller* pattern precisely: a DOJ letter demanding racial redistricting, a Governor who immediately complied, a map achieving virtually all of the DOJ’s racial demands, and a State concession that the map fulfilled “almost everything that DOJ and the Governor desired.” J.S. 26. If the evidence in *Miller* sufficed to rebut the presumption of good faith, the evidence here does so *a fortiori*.

Cooper reinforces this conclusion. There, the Court upheld the district court’s finding of racial predominance where legislative leaders “repeatedly told their colleagues” that a district “had to be majority-minority.”

581 U.S. at 300. The Court explained that such explicit statements about racial targets constitute the strongest form of proof: “Uncontested evidence in the record shows that the State’s mapmakers . . . purposefully established a racial target.” *Id.* at 300–01. Here, the Governor and legislative sponsors made equivalent statements about creating majority-Hispanic and majority-Black districts. Indeed, the Governor went further than the legislators in *Cooper* by expressly disavowing any non-racial motivation. The presumption of good faith cannot survive such direct and unequivocal evidence of racial purpose.

An illustration might be useful here. Imagine a state intentionally discriminates in its redistricting map and says plainly that it did, yet comes forward with a race neutral explanation for why it did. Requiring a plaintiff to produce a map that satisfies the state’s stated legislative goals bakes in a known pretext. The State here asks the Court to go further. Instead of merely giving the state the benefit of the doubt and permitting that benefit to be rebutted with evidence, the State creates the near-dispositive rule out of whole cloth. Even *Alexander* for all its sweeping reimagining of the burdens on a plaintiff in Equal Protection litigation involving redistricting did not go so far. And to adopt this rule would be to judicially impose a result the constitution forbids the states from enacting. It is contrary to the Constitution, the conscience, and common good sense. It is disastrous to the institution of the Court and flies in the face of previous well-reasoned precedent.

That reasoning is dispositive here. *Cooper* explained that the alternative-map analysis emphasized in *Easley v. Cromartie*, 532 U.S. 234 (2001), was driven

by the particular evidentiary weakness of that case, where the “direct evidence of a racial gerrymander . . . was extremely weak.” *Cooper*, 581 U.S. at 316. Where, as here, substantial direct evidence of racial motivation exists, courts may find racial predominance without relying on alternative-map evidence at all. *Id.* Nothing in *Alexander* altered this framework. While *Alexander* observed that an alternative map “can go a long way toward helping plaintiffs disentangle race and politics,” 602 U.S. at 34, it did not adopt a near-dispositive inference from the absence of such a map. The decision simply reiterated the evidentiary value of alternative maps without converting them into a legal prerequisite. Given the clearly unlawful nature of the goal, requiring the submission of a map would be futile. Any map that eliminates minority coalition and opportunity districts would contravene legal standards, effectively compelling this Court to endorse the creation of an unlawful map. Such a requirement would undermine the constitutional protections afforded to minority communities and the integrity of our judicial process.

Even setting aside the legal error in the State’s argument, the factual premise is wrong. Plaintiffs did produce simulation evidence: Dr. Duchin generated tens of thousands of pro-Republican maps without the enacted map’s racial features, evidence the State itself concedes exists. J.S. 15. This simulation evidence demonstrates that the State’s claimed partisan objectives could have been achieved through maps that did not replicate the racial features of the enacted plan, directly addressing the race-versus-politics inquiry that *Cooper* and *Alexander* require. The district court properly evaluated this evidence alongside the direct and circumstantial evidence of racial motivation and con-

cluded that race, not partisanship, predominated in the State's 2025 redistricting efforts. That conclusion is not clearly erroneous.

The State's credibility problems further distinguish this case from *Alexander* and reinforce the district court's findings. This Court's precedents demonstrate that courts routinely draw adverse inferences when legislators or mapmakers offer shifting, contradictory, or implausible explanations for their line-drawing decisions. In *Vera*, the Court relied on inconsistent explanations offered by Texas officials across different proceedings, noting that "[s]tate officials' claims have changed as their interests have changed" in the prior political gerrymandering suit, they asserted race predominated; in the racial gerrymandering suit, they asserted politics predominated. *Id.* at 970–71. In *Cooper*, the Court affirmed the district court's decision to discount a mapmaker's trial testimony because it conflicted with earlier statements and documentary evidence, finding that the denial of race-based districting "r[ang] hollow" in light of prior deposition testimony. 581 U.S. at 315.

The same patterns pervade this case. Kincaid claimed he never looked at the racial data preloaded in his mapping software, yet the map he produced achieved virtually all of the DOJ's racial objectives with three districts landing at barely above the required 50% minority CVAP. Chairman King offered shifting explanations that the district court found unreliable. The State's star witness, a Hispanic elected official, admitted negligible involvement. And the State's justification has evolved throughout the litigation, from racial compliance to partisan motivation to race-blindness, in a pattern that parallels the shifting

explanations condemned in *Bush v. Vera*. The district court’s decision to draw a negative inference was well within its discretion.

This Court’s disposition in *North Carolina v. Covington*, 585 U.S. 969 (2018), further illustrates the principle. There, the district court rejected the legislature’s explanation that districts merely sought to “preserve the heart” of a city because the state could not explain why that goal required excluding white precincts while including nearly all Black precincts. This Court left those credibility findings intact, reinforcing that plaintiffs may rely on circumstantial evidence of district shape and demographics to show racial purpose when the state’s proffered explanations are implausible. Here, the district court similarly found the State’s race-blindness claim not credible given the map’s precise and repeatedly consistent achievement of the DOJ’s racial demands.

Nor can the State escape liability by asserting that race was used merely as a proxy for partisan advantage. This Court has explicitly rejected the argument that racial classifications become permissible when used to advance political goals. In *Cooper*, the Court held that when legislators use race as the predominant districting criterion “with the end goal of advancing their partisan interests . . . their action still triggers strict scrutiny.” 581 U.S. at 328 n.7. The Equal Protection Clause forbids racial sorting of voters regardless of the ultimate objective. *Shaw v. Reno*, 509 U.S. 630, 657 (1993). And after *Rucho v. Common Cause*, 588 U.S. 684 (2019), which held partisan gerrymandering claims nonjusticiable, the distinction between racial and partisan gerrymandering has become even more critical. *Rucho* itself recognized that racial gerrymandering

claims remain fully justiciable because they challenge racial classifications subject to strict scrutiny. *Id.* The nonjusticiability of partisan gerrymandering does not create a safe harbor for racial gerrymanders. A State cannot immunize racial gerrymandering simply by asserting that the same choices happened to advance partisan objectives. Such actions threaten to fracture community cohesion, deepen racial divisions, and erode the foundational principles of equality and justice that our Constitution requires and that our Courts are sworn to uphold.

The post-*Rucho* landscape makes this case particularly consequential. After *Rucho*, 588 U.S. 684, partisan gerrymandering claims are nonjusticiable. If the State’s argument is accepted—that the correlation between race and partisanship in Texas effectively shields the enacted map from racial gerrymandering scrutiny—then legislatures in states with racially polarized voting could gerrymander on racial lines with impunity simply by invoking the correlation between race and party. This Court recognized the danger in *Rucho* itself, which carefully distinguished racial gerrymandering claims as remaining justiciable because they challenge “racial classifications” rather than partisan fairness. 588 U.S. 684. The *Miller–Vera–Cooper* racial predominance framework remains fully applicable. Accepting the State’s argument would effectively collapse that framework into a dead letter in any state where race and partisanship are correlated. Which is to say, in Texas and, for that matter, most of the United States.

The foundational Equal Protection principle at stake was articulated in *Shaw*, 509 U.S. 630, which held that the Constitution forbids states from “separating

voters into different districts on the basis of race” absent sufficient justification. *Id.* at 657. The injury arises from the State’s racial classification of voters itself, regardless of whether the classification was intended to benefit or burden a particular group, and regardless of whether it happened to advance partisan objectives as well. That principle is directly implicated here. The DOJ demanded that Texas classify voters by race and separate them into single-race majority districts. The Governor complied. The mapmaker executed the classification. And the map achieved the demanded racial outcomes. The racial classification of voters is the constitutional harm, and the district court properly identified it as such.

The district court correctly applied *Alexander’s* framework by recognizing the presumption of legislative good faith and then finding that it was overcome by the overwhelming direct and circumstantial evidence of racial motivation in the record. That conclusion follows directly from this Court’s decisions in *Miller*, *Cooper*, and *Alexander* itself. The evidence appears to be qualitatively and quantitatively stronger than the evidence in any case where this Court has found the presumption un rebutted.

III. The Dismantlement of Coalition Districts Provides Independent Evidence of Racial Predominance

The State’s 2025 redistricting did not merely draw new district lines; it systematically dismantled every racial coalition district identified by the DOJ, and five more, replacing them with racially engineered majority-minority districts that concentrated minority voters into barely-majority single non-white race configura-

tions. Additionally, no white voter dominated Democratic districts were harmed, thus further distancing the State's redistricting claims from any legitimate evidence of partisan motivation. This pattern provides independent evidence of racial predominance, and the district court properly found it as such.

Coalition districts, where multiple racial minority groups together form a performing electoral majority but no single minority group exceeds 50%, are legally recognized electoral structures. In *Bartlett v. Strickland*, 556 U.S. 1 (2009), the Court held that Section 2 of the Voting Rights Act does not require the creation of coalition districts, because “[a] minority group must constitute a numerical majority of the voting population” for Section 2 to mandate a district. *Id.* at 9. But the Court also recognized that crossover and coalition districts “may exist and function effectively” even though the statute does not mandate their creation. *Id.* The fact that Section 2 does not require coalition districts does not mean that the State may dismantle them for any reason without constitutional consequence due to the direct attack on the racial minority majority make up of that district. The map and the Jurisdictional Statement suggests that coalition districts are acceptable if one of the groups that dominate the voting is white.

This Court's decision in *League of United Latin American Citizens v. Perry*, 548 U.S. 399 (2006), is directly on point. There, the Court held that Texas violated Section 2 when it dismantled a Latino opportunity district that had enabled Latino voters to elect their candidate of choice through crossover support. The Court emphasized that “[t]he State took away the Latinos' opportunity because Latinos were about to

exercise it.” *Id.* at 440. The decision demonstrates that the destruction of effective minority opportunity districts including coalition-based districts can constitute actionable vote dilution.

The parallels here are unmistakable. The DOJ’s letter identified coalition districts for dismantlement precisely because of their naturally occurring (i.e., not legislatively drawn) racial composition because minority groups were combined rather than separated into single-race majorities. The Governor then ordered redistricting to accomplish that dismantlement. The enacted map replaced effective coalition districts with barely-majority single-race districts, concentrating minority voters into racially engineered configurations. As this Court recognized in *Thornburg v. Gingles*, 478 U.S. 30 (1986), minority voting strength may be diluted not only through fragmentation but also through “the concentration of blacks into districts where they constitute an excessive majority.” *Id.* at 46. The conversion of effective performing coalition districts into packed single-race majority districts exemplifies this principle.

Cooper reinforces the point. There, the Court struck down North Carolina’s congressional districts where legislators had increased Black Voting Age Population above 50% based on a mistaken belief that the VRA required majority-minority districts. The Court held that converting an effective crossover district into a majority-minority district can itself demonstrate unconstitutional racial predominance, explaining that the prior district “functioned, election year in an election year out, as a ‘crossover’ district” where white voters joined Black voters to elect their preferred candidate. 581 U.S. at 303. The Court rejected

the state’s claim that increasing the Black population above 50% was necessary to protect minority voting strength, concluding that the justification rested on a legal misunderstanding of Section 2 that could not support race-based districting. *Id.*

The same dynamic is present here. The DOJ’s letter demanded that Texas dismantle coalition districts and replace them with single-race majority districts—a demand premised on the legally erroneous assumption that the Voting Rights Act required such action. The State cannot claim it was “helping” minority voters by concentrating them into packed districts when the practical effect was to reduce minority influence in neighboring districts. Under *Shaw*, 509 U.S. 630, racial classifications in redistricting trigger strict scrutiny whenever race predominates over traditional districting principles, and a state’s claim of benign or remedial purpose does not immunize race-based districting.

This Court has also recognized that statewide evidence may be used to prove redistricting violations. In *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254 (2015), the Court held that plaintiffs may rely on statewide evidence showing how a redistricting plan manipulated racial distributions “with respect to the districting maps as a whole.” *Id.* at 291. That approach is directly applicable here, where the district court considered the statewide pattern of dismantling coalition districts and replacing them with racially engineered majority-minority districts. The pattern was not limited to one or two districts; it was systematic, affecting every coalition district identified by the DOJ and five additional districts. This statewide pattern of racial manipulation provides compelling evidence of racial predominance that the district court proper-

ly considered. The district court’s treatment of the coalition-district evidence was neither novel nor erroneous; it followed directly from this Court’s precedents in *LULAC v. Perry*, *Cooper*, *Thornburg v. Gingles*, and *Alabama Legislative Black Caucus*.

IV. The State’s Arguments Threaten the Institutional Integrity of This Court

Reversal would require this Court to place its judicial imprimatur on justifications that are neither coherent nor logical nor credibly race-neutral. The State simultaneously claims that the enacted map was “race-blind” yet also responsive to a DOJ letter framed entirely in racial terms; “partisan” yet producing three barely-majority-minority districts at virtually the exact percentages the DOJ demanded and having no negative consequences to any white majority Democratic district; and “data-driven” yet drawn by a mapmaker who claims he ignored the racial data preloaded in his software. These contradictory explanations are precisely the kind of shifting justifications that this Court has recognized as evidence of pretext. In *Vera*, 517 U.S. 952, the Court gave credibility determinations regarding such inconsistencies deference because “[s]tate officials’ claims have changed as their interests have changed.” *Id.* at 970–71. There, as here, the State offered one explanation to the Department of Justice and another to the Court. There, as here, the district court’s refusal to credit the State’s shifting accounts was entitled to deference.

The clear-error standard itself serves a structural purpose: preserving the institutional role of trial courts as factfinders. In her dissent from the Court’s stay order in this case, Justice Kagan—joined by

Justices Sotomayor and Jackson—emphasized the extraordinary scope of the district court’s factfinding. The district court conducted a “three-month proceeding,” including a “nine-day evidentiary hearing,” with “nearly two dozen witnesses and thousands of exhibits,” producing a “160-page opinion” detailing its factual findings. *Abbott v. LULAC*, 607 U.S. 423 (2025) (Kagan, J., dissenting). To reverse such findings on a cold paper record, Justice Kagan warned, is to “abrogat[e]” to this Court the district court’s factfinding function. “We are a higher court than the District Court, but we are not a better one when it comes to making such a fact-based decision.” *Id.*

The institutional consequences of reversal extend beyond this case. If this Court reverses the district court’s findings without applying the clear-error standard that normally governs such review, it will signal that district courts’ factual determinations in redistricting cases receive little practical deference regardless of the extensiveness of the proceedings. That signal would discourage trial courts from undertaking the rigorous evidentiary processes that this Court’s precedents require. District courts considering whether to issue preliminary redistricting relief would know that their factfinding may be overridden on a paper record regardless of the strength of the evidentiary foundation. The result would be fewer preliminary injunctions in redistricting disputes, allowing unconstitutional maps to govern elections while full trials proceed. These results that would undermine the very protections the Equal Protection Clause is designed to provide and would severely harm judicial economy and efficiency.

The State asks this Court to “note probable jurisdiction and reverse,” J.S. 35, treating a preliminary injunction as a final adjudication. But this Court’s traditional practice in redistricting cases is remand, not outright reversal. In *Alabama Legislative Black Caucus*, 575 U.S. 254, the Court vacated and remanded a redistricting judgment rather than resolving the merits itself, holding that the district court must conduct “district-specific” factual analysis before constitutional conclusions can be reached. *Id.* at 279. This restraint reflects the structural principle that the Supreme Court is not a court of first instance. A direct appeal under 28 U.S.C. § 1253 from a three-judge district court’s preliminary injunction does not convert this Court into a trial court. Reversing outright, without remand, without a full trial, and without applying the clear-error standard would deny the parties a full evidentiary proceeding and discourage district courts from issuing, preliminary redistricting relief in the future without any discernable legal basis of understanding or review driving that course of conduct in the courts below.

The Court has also cautioned against the risks of emergency intervention in redistricting cases. The *Purcell* principle, derived from *Purcell v. Gonzalez*, 549 U.S. 1 (2006), counsels against altering election rules close to an election because “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls.” *Id.* at 4–5. But that principle applies symmetrically: allowing an unconstitutional map to remain in effect also produces confusion and disenfranchisement. Here, the district court found that Texas is still operating under the

prior (2021) map for administrative purposes, meaning that reverting to the prior map would cause minimal disruption. Respectfully, this Court should not allowed the State to invoke *Purcell* to insulate a map that the district court has found to be the product of unconstitutional racial gerrymandering.

The institutional harm is compounded by the procedural posture. This appeal arises from a preliminary injunction—not a final judgment after a full trial. Preliminary injunction proceedings, while extensive here, are by their nature interlocutory. Appellate courts reviewing such orders traditionally apply a deferential standard, recognizing that the proceedings are not final merits determinations. As this Court emphasized in *Purcell*, “the facts in these cases are hotly contested,” and contested factual issues make early merits determinations inappropriate. 549 U.S. at 5. The Court further stressed that “it was still necessary, as a procedural matter, for the Court of Appeals to give deference to the discretion of the District Court.” *Id.* at 5–6. The same obligation of deference applies here. Reversing a preliminary injunction—especially one supported by 160 pages of detailed factual findings after a nine-day hearing—treats provisional factual findings as final adjudications, disregarding both the traditional standard of appellate review and the due process interests of parties who have not yet had a full trial.

Moreover, the precedential effect of summary dispositions in this Court is inherently limited. As the Court explained in *Anderson*, 460 U.S. 780, “[t]he precedential effect of a summary affirmance extends no further than the precise issues presented and necessarily decided.” *Id.* at 785. This caution reflects

the structural concern that decisions rendered without full factual development should not be treated as final determinations of constitutional claims. Summary affirmance here would correctly dispose of this appeal without creating broader precedent; outright reversal would risk establishing harmful precedent on the basis of an incomplete procedural record.

V. Each of the State’s Five Questions Presented Is Fact-Bound and Unworthy of Plenary Review

None of the State’s Questions Presented raises a legal question warranting plenary review. Each reduces to a factual dispute reviewable only for clear error, and on that standard, the district court’s findings are unassailable.

Whether the presumption of good faith was overcome is a question of evidentiary weight, not a question of law. *Alexander* established that the presumption is a starting point for analysis, not a threshold that demands a particular form of proof. 602 U.S. at 17. Whether the evidence in this case was sufficient to overcome the presumption is a factual determination that the district court resolved after hearing the witnesses, viewing the exhibits, and reviewing the record. This Court’s role is to determine whether that determination was clearly erroneous, not to reweigh the evidence *de novo*.

Whether alternative-map evidence was properly evaluated is an evidentiary-sufficiency question. *Cooper* held that no particular form of proof is required and that the absence of an alternative map “cannot itself resolve a racial gerrymandering claim.” 581 U.S. at 315–16. The district court evaluated the simulation

evidence produced by Dr. Duchin and determined it was sufficient, in combination with the extensive direct evidence, to establish racial predominance. That evidentiary assessment does not present a question of law warranting this Court's review.

Whether direct and circumstantial evidence was properly weighed is the definition of factfinding. The district court considered the DOJ letter, the Governor's statements, the legislative sponsors' testimony, the mapmaker's claims, the demographic outcomes, and the simulation evidence, and it concluded that race predominated. Whether race or partisanship predominated in the drawing of district lines is a "fact-intensive inquiry" that this Court has consistently held is subject to clear-error review. *Cooper*, 581 U.S. at 311. The State's dissatisfaction with how the district court weighed this evidence does not present a question of law. It presents a disagreement with factual findings that the clear-error standard was designed to insulate from appellate second-guessing.

The State's argument regarding post-enactment evidence fares no better. Courts evaluating redistricting claims routinely consider subsequent election results and other post-enactment evidence as probative of discriminatory effects or map durability. In *Rucho v. Common Cause*, 588 U.S. 684 (2019), the district court relied on "actual election results (under both the new plan and the similar one preceding it)" to assess the map's real-world effects. *Id.* at 739 (Kagan, J. dissenting). In *Cooper*, the Court examined historical election performance of districts to evaluate whether race-based districting was justified, observing that "in five successive general elections conducted in those reconfigured districts, all the candidates preferred by most

African–American voters won their contests.” 581 U.S. at 294. This Court has never held that post-enactment evidence is inadmissible or irrelevant in redistricting litigation. To the contrary, the district court’s consideration of how the enacted map actually performed was entirely consistent with established practice.

Whether the State’s claim that this was a partisan gerrymander rather than a racial one should be credited is a paradigmatic factfinding question. This Court has recognized that race and political affiliation may be “highly correlated, especially in the modern South,” but this correlation “does not defeat a racial gerrymandering claim.” *Cooper*, 581 U.S. at 308. Instead, “courts must determine which motive actually drove the line-drawing.” *Id.* The district court did precisely that—hearing testimony, evaluating the evidence, and concluding that race predominated over partisanship. The basic question, as framed in *Cromartie*, 532 U.S. at 243, is “whether the legislature drew [the] district’s boundaries because of race rather than because of political behavior.” That is a factual question, not a legal one.

Finally, the scope of the preliminary injunction is committed to the trial court’s remedial discretion. See *Alabama Legislative Black Caucus*, 575 U.S. at 254. The State’s disagreement with the scope of the remedy does not transform a discretionary equitable determination into a question of law. The district court determined that reverting to the prior map would not cause major disruption because Texas was still administratively operating under the 2021 map. That finding is entitled to deference.

In sum, the State's appeal asks this Court to reweigh evidence, reassess credibility, and second-guess factual findings, without any request to resolve unsettled questions of law. That is precisely what clear-error review forbids. This case is a poor vehicle for plenary review at this stage because the legal principles are well-settled; only their application to the facts is in dispute. The governing standard from *Anderson* and *Cooper* is clear. The presumption of good faith from *Alexander* is rebuttable. The alternative-map rule from *Cooper* rejects mandatory evidentiary prerequisites. And the remedial standard affords trial courts equitable discretion. The State identifies no circuit split, no legal uncertainty, and no doctrinal confusion. It identifies only a factual outcome it dislikes. Summary affirmance is the appropriate disposition. Respectfully, to do otherwise, would insert legal uncertainty into the redistricting process.

Automatic review of such cases is provided by statute, but not of any question that the parties want to discuss. The fact that a three-judge court was properly convened in this case to consider the injunctive relief requested against the enforcement of the state statute, does not give this Court jurisdiction on direct appeal over other controversies where there is no independent jurisdictional base. Even where a three-judge court is properly convened to consider one controversy between two parties, the parties are not necessarily entitled to a three-judge court and a direct appeal on other controversies that may exist between them. *Perez v. Ledesma*, 401 U.S. 82, 86–87 (1971); *See also Public Service Comm'n v. Brashear Freight Lines*, 306 U.S. 204 (1939).

VI. Reasons to Defer Further Considerations

The Court may elect to reserve review of this case until an appeal from a final judgment. Judicial economy and efficiency would be enhanced and final Constitutional decisions would be based on all of the facts presented from a trial on the merits. The 2026 primary election has begun and there is nothing that would compel the court to move forward to make final decisions on these issues now, and especially on a preliminary injunction record. As this Court observed in granting a stay, the district court “enjoined the use of the new map in the 2026 elections.” *Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419 (2025); accord. App. 2a (district court injunction for “the 2026 congressional elections”). In December, this Court concluded that preliminary injunctive relief was inappropriate because the “2026 campaign [was] underway.” *Abbott*, 146 S. Ct. at 419. If, following the March 2026 primary election, the Court is still of that view, it can exercise discretion to defer adjudicating an appeal in this case until after final judgment. *Cf. Veasey v. Abbott*, 580 U.S. 1104 (2017) (noting that claim “is in an interlocutory posture” and thus Texas could raise it “again after entry of final judgment.”) (Roberts, C.J., respecting the denial of certiorari). In that event, the Court could vacate the preliminary injunction and remand to the district court for final proceedings without requiring merits briefing and argument on this appeal.



CONCLUSION

The district court's findings rest upon a robust and comprehensive record, enriched by compelling direct evidence of racial motivation, corroborated by circumstantial evidence, and meticulously evaluated credibility determinations. These findings are not clearly erroneous under any reasonable application of the governing standard. The State's request for this Court to supplant the trial court's judgment on credibility and evidentiary weight, without the benefit of the trial court's extensive management of the case, including nine days of testimony and a detailed 160-page opinion, runs counter to the principles of clear-error review.

The evidence of racial predominance in this case surpasses any precedent where this Court has upheld the presumption of good faith. It includes explicit statements from the Governor and legislative sponsors outlining racial objectives; a Department of Justice letter framed entirely in racial terms; a map that fulfilled nearly all of the DOJ's racial demands while dismantling nearly every identified coalition district, yet preserving white majority Democratic districts; districts barely achieving 50% minority CVAP; a mapmaker whose denials of access and use of racial data were deemed not credible by the district court; a legislative sponsor whose shifting explanations were found unreliable; and numerous simulated maps demonstrating that the map's racial features were unnecessary for any partisan goal. The State has not

presented any legal question warranting plenary review, only factual findings with which it disagrees.

This Court should summarily affirm the district court's judgment and dismiss or deny the State's requests in its jurisdictional statement, rather than overturn a preliminary injunction grounded in extensive testimony and detailed factual findings, without allowing a full trial on the merits. Alternatively, the Court should find the jurisdictional statement inadequate, dismiss it, vacate the panel decision, and remand the case for a trial on the merits before considering full briefing and oral argument. What the Court must not do is overturn the district court's credibility-dependent factual findings based on a paper record, particularly one derived from a preliminary injunction trial. Such an approach would contravene the clear-error standard, undermine the institutional role of trial courts as factfinders, and risk deciding elections through emergency orders rather than through the orderly application of constitutional law.

Respectfully submitted,

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